IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2715 OF 2005

Dinesh Devdatta Kamat ... Petitioner

V/s.

State of Maharashtra & Ors. ... Respondents

Mr.V.M. Mishra for Petitioner
Mr.Sonpal, AGP, for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 16, 2005**

P.C.:

. This Petition is nothing but an abuse of process of law. The Petitioner is a tenant who claims that his petition before the High Court and the Special Leave Petition before the Supreme Court have been heard by the Courts concerned without taking into account the relevant documents. The Petitioner who is a senior citizen has sought to challenge the order dated 26.11.2002, which was challenged by him in earlier proceedings before this Court. He had challenged the order by filing a Civil Revision Application No.2202 of 2002. The Civil Revision Application was heard finally and rejected on 31.3.2005 when a learned Single Judge (Ranjana Desai, J.) of this Court has deprecated the conduct of the petitioner and has found that the

Petitioner has all along been denying respondent No.2 the fruits of the decree which is in the latter's favour. The learned Judge has observed that the Petitioner had made serious allegations against the registry of this Court as well as the Supreme Court and the advocates appearing for him. The review filed by the Petitioner before the Supreme Court was also rejected.

2. In such circumstances, it is highly reprehensible that the petitioner should keep challenging the same orders of the Court on the specious ground that neither the High Court nor the Supreme Court have passed orders by taking into consideration the documents filed by him. When the Courts have confirmed the decree it has to be presumed that the Courts have considered all the necessary and relevant documents. The Petitioner has unnecessarily been prolonging the litigation between himself and the respondents. The Petition is, therefore, rejected with costs quantified at Rs.10,000/-.

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Petitioner present in person

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. An application is tendered at 3 pm by the Petitioner appearing in person to waive the costs imposed by this Court in the morning while rejecting the Writ Petition filed by him. The Petitioner has alleged in this application that it is because of the manipulation and mal-practices of the Respondents that all the Courts i.e., the trial Court, Appellate Court, High Court and the Supreme Court have passed orders against him. He also states that the Courts have decided the matters under political pressure. This is a reckless statement casting aspersions on all the aforementioned Courts.

2. In view of this, Office to issue notice against the Petitioner directing him to show cause as to why he should not be punished for contempt of the Court.

3. After the order issuing the show-cause notice for contempt was passed, the petitioner requests that the same may be recalled as he had no intention to make any allegation against the Courts. He also requests that the costs imposed by this Court in the morning while rejecting the Writ Petition filed by him may be waived. According to the Petitioner, he is a senior citizen with no source of income and he and his ailing wife are totally dependent on his daughter.

4. I do not see any reason to waive the costs. The order for costs has been made in so that the Petitioner is deterred from filing frivolous litigation for challenging the eviction decree which has been confirmed by the Supreme Court. However, the order for issuing notice of contempt is recalled. Obviously the Petitioner has been wrongly advised.